

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635  
 Serial No.: 09/093,972 : Examiner: J. Epps  
 Filed: June 9, 1998 : Appl. Ref. No.: EPI-00672  
 For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICITION, ALLERGY(IES) & INFLAMMATION**

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COVER LETTER

Assistant Commissioner for Patents  
 Washington, D.C. 20231

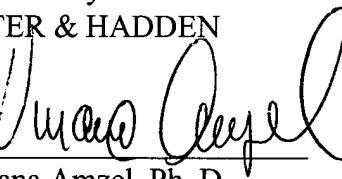
Sir/Madam:

Enclosed for filing are the following:

1. Substitute Application (77 sheets)
2. Amendment (29 sheets)
3. Fee Transmittal Form (1 sheet)
4. Substitute Declaration for Patent Application (2 sheets)
5. Copy of Claim for Priority previously filed 5/4/00 (1 sheet)
6. Change of Address (1 sheet)
7. Request for Corrected Filing Receipt (w/copy of Claim for Priority)
8. Post Card

Respectfully submitted.

ARTER & HADDEN

  
 Viviana Amzel, Ph. D.

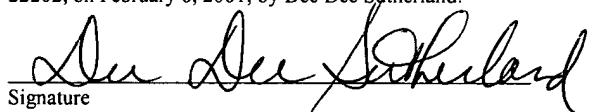
Reg. No. 30930  
 Attorney for Applicant(s)

February 6, 2001

Date

7 Clarke Drive  
 Cranbury, NJ 08512  
 609-409-3035 Legal Dpt Ph.  
 413-254-9245 Legal Dpt Fax  
 Vamzel@EpiGene.com

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail Post Office to Addressee, Express Mail Label EL836372442US, in an envelope addressed to the Assistant Commissioner for Patents, 1911 S. Clark St., Crystal Mall 1, Receptionist 7<sup>th</sup> Floor, Arlington, VA 22202, on February 6, 2001, by Dee Dee Sutherland.

  
 Signature

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# **FEES TRANSMITTAL for FY 2001**

*Patent fees are subject to annual revision.*

**TOTAL AMOUNT OF PAYMENT** (\$ 0.00)

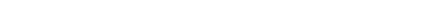
<i>Complete if Known</i>	
Application Number	09/093,972
Filing Date	June 9, 1998
First Named Inventor	Jonathan W. Nyce
Examiner Name	J. Epps
Group Art Unit	1635
Attorney Docket No.	EPI-00672

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number <span style="border: 1px solid black; padding: 2px;">50-1728</span></p> <p>Deposit Account Name <span style="border: 1px solid black; padding: 2px;">EpiGenesis Pharmaceuticals, Inc.</span></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="4">Other fee (specify) _____</td></tr> <tr> <td colspan="4">*or number previously paid, if greater; For Reissues, see above</td> <td colspan="2">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) <span style="border: 1px solid black; padding: 2px;">(\$)</span></td> </tr> </tbody> </table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description		Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	139	130	139	130	Non-English specification	147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	115	110	215	55	Extension for reply within first month	116	390	216	195	Extension for reply within second month	117	890	217	445	Extension for reply within third month	118	1,390	218	695	Extension for reply within fourth month	128	1,890	228	945	Extension for reply within fifth month	119	310	219	155	Notice of Appeal	120	310	220	155	Filing a brief in support of an appeal	121	270	221	135	Request for oral hearing	138	1,510	138	1,510	Petition to institute a public use proceeding	140	110	240	55	Petition to revive - unavoidable	141	1,240	241	620	Petition to revive - unintentional	142	1,240	242	620	Utility issue fee (or reissue)	143	440	243	220	Design issue fee	144	600	244	300	Plant issue fee	122	130	122	130	Petitions to the Commissioner	123	50	123	50	Processing fee under 37 CFR 1.17(q)	126	180	126	180	Submission of Information Disclosure Stmt	581	40	581	40	Recording each patent assignment per property (times number of properties)	146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	179	710	279	355	Request for Continued Examination (RCE)	169	900	169	900	Request for expedited examination of a design application	Other fee (specify) _____				*or number previously paid, if greater; 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<p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>				<p><b>FEE CALCULATION</b></p> <p>1. BASIC FILING FEE</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>710</td><td>201</td><td>355</td><td>Utility filing fee</td></tr> <tr><td>106</td><td>320</td><td>206</td><td>160</td><td>Design filing fee</td></tr> <tr><td>107</td><td>490</td><td>207</td><td>245</td><td>Plant filing fee</td></tr> <tr><td>108</td><td>710</td><td>208</td><td>355</td><td>Reissue filing fee</td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td></tr> </tbody> </table> <p><b>SUBTOTAL (1) <span style="border: 1px solid black; padding: 2px;">(\$)</span></b></p> <p>2. EXTRA CLAIM FEES</p> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>104</td><td>-20** =</td><td>0</td><td>x 9.00 = 0.00</td></tr> <tr><td>Independent Claims 2</td><td>- 3** =</td><td>0</td><td>x 40.00 = 0.00</td></tr> <tr><td>Multiple Dependent</td><td></td><td></td><td>= _____</td></tr> </tbody> </table> <p><b>SUBTOTAL (2) <span style="border: 1px solid black; padding: 2px;">(\$)</span> 0.00</b></p>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description		Fee Paid	101	710	201	355	Utility filing fee	106	320	206	160	Design filing fee	107	490	207	245	Plant filing fee	108	710	208	355	Reissue filing fee	114	150	214	75	Provisional filing fee	Total Claims	Extra Claims	Fee from below	Fee Paid	104	-20** =	0	x 9.00 = 0.00	Independent Claims 2	- 3** =	0	x 40.00 = 0.00	Multiple Dependent			= _____																																																																																																															
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*\*or number previously paid, if greater: For Reissues, see above*

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Viviana Amzel, Ph.D.	Registration No. (Attorney/Agent)	30,930	Telephone	(609) 409-3034
Signature				Date	8/6/01

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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 PATENT  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Jonathan W. Nyce

Serial No.: 09/093,972 : Group Art Unit: 1635  
 Filed: June 9, 1998 : Examiner: Janet L. Epps  
 For: Composition, Formulations & Method for Prevention & Treatment of Diseases and  
 Conditions Associated With Bronchoconstriction, Allergy(ies) & Inflammation

**Assistant Commissioner for Patents**  
 Washington, D.C. 20231

**REQUEST FOR CORRECTED FILING RECEIPT**

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is:
  - incorrectly entered
  - and/or
  - Omitted.

<b>Error in</b>	<b>Correct data</b>
a. <input type="checkbox"/> Applicant's name	a.
b. <input type="checkbox"/> Applicant's address	b.
c. <input type="checkbox"/> Title	c.
d. <input type="checkbox"/> Filing Date	d.
e. <input type="checkbox"/> Serial Number	e.
f. <input type="checkbox"/> Foreign/PCT Application re:	f.
g. <input checked="" type="checkbox"/> Correspondence Address	<p style="margin-left: 20px;">g. Viviana Amzel, Ph.D.            EpiGenesis Pharmaceuticals, Inc.            7 Clarke Drive            Cranbury, NJ 08520</p>
h. <input checked="" type="checkbox"/> Other: Continuing Data	<p style="margin-left: 20px;">h. This application is a CIP of US Patent Application Serial No. 08/472,527, CPA filed February 27, 1998, now US Patent No. 6,040,296; a CIP of US Patent Application No. 08/757,024, filed November 26, 1996 by Jonathan W. Nyce, now US Patent No. 6,025,339, which is a continuation-in-part of U.S. Patent Application Serial No. 08/472,527, filed June 7, 1997; and a CIP of US Patent Application Nos. 08/474,497 filed June 7, 1995, now US Patent No. 5,994,315, and 09/016,464, filed January 30, 1998, by Jonathan W. Nyce and W. James Metzger, CPA filed June 3, 1998, now pending.</p>
<i>See attached copy of Claim for Priority Under 35 USC 120, previously filed in this application on 5/4/00.</i>	

3. ***(complete the following applicable item)***

A.  The correction(s) is/are not due to any error by applicant and no fee is due.

OR

B.  At least one of the above corrections is due to applicant's error and the fee therefor, under 37 CFR 1.19(h), of \$25.00 is paid as follows:

Enclosed is a check for \$25.00.  
 Charge Account \_\_\_\_\_ \$25.00.



SIGNATURE OF ATTORNEY

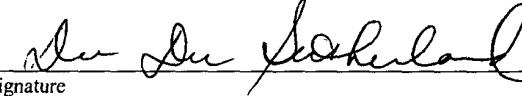
Registration No.: 30,930

Viviana Amzel, Ph.D.

(type or print name of attorney)

7 Clarke Drive  
Cranbury, NJ 08512  
609-409-3035 Legal Dpt Ph.  
413-254-9245 Legal Dpt Fax  
Vamzel@EpiGene.com

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail Post Office to Addressee, Express Mail Label EL836372442US, in an envelope addressed to the Assistant Commissioner for Patents, 1911 S. Clark St., Crystal Mall 1, Receptionist 7<sup>th</sup> Floor, Arlington, VA 22202, on February 6, 2001, by Dee Dee Sutherland.

  
Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635  
 Serial No.: 09/093,972 : Examiner: Janet Epps  
 Filed: June 9, 1998 : Appl. Ref. No.: EPI-072  
 For:

**COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICITION, ALLERGY(IES) & INFLAMMATION**

**CLAIM FOR PRIORITY UNDER 35 USC '120**

Assistant Secretary for Patents  
 Washington DC 20231

Sir/Madam:

The applicant hereby claims priority for the above-identified U.S. Patent Application of the filing dates of the following U.S. Patent Applications under 35 USC 120:

- 1- U.S.S.N. 08/472,527, filed June 7, 1995, CPA filed February 27, 1998, now U.S. Patent No. 6,040,296.
- 2- U.S.S.N. 08/757,024, filed November 26, 1996, by Jonathan W. Nyce, now U.S. Patent No. 6,025,339, which is a continuation-in-part of U.S.S.N. 08/472,527, filed June 7, 1995.
- 3- U.S.S.N. 08/474,497, filed June 7, 1995, by Jonathan W. Nyce and W. James Metzger, now U.S. Patent No. 5,994,315.
- 4- USSN 09/016,464, filed January 30, 1998, which is a divisional of USSN 08/474,497, by Jonathan W. Nyce and W. James Metzger, filed June 3, 1998, now pending.

The text of the above-identified application is being amended to contain this information.

5/4/00  
 Date

Citicorp Plaza  
 725 S. Figueroa St.-Suite 3400  
 Los Angeles, CA 90017  
 213-430-3520 Direct Ph.  
 213-617-9255 Fax

Respectfully submitted.  
 ARTER & HADDEN LLP

Viviana Amzel  
 Viviana Amzel, Ph.D.  
 Reg. No. 30,930  
 Attorney for Applicant

5/4/00  
 Date of Deposit

I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail" on the date indicated above and is addressed to the Commission of Patents and Trademarks, Washington D.C. 20231.

Jenny Wilson